

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Jeffery Allen Starner v Sherry Annette Starner**
Docket No. **295837**
L.C. No. **2004-001711-DC**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction. Neither the October 23, 2009 order nor the December 15, 2009 order is a final order appealable of right. MCR 7.202(6)(a)(iii); MCR 7.203(A). In particular, the October 23, 2009 postjudgment order is not a final order under MCR 7.202(6)(a)(iii) because it does not affect the *custody* of a minor, but rather merely modifies the award of grandparenting time. At this time, appellant may seek to appeal either the October 23, 2009 order or the December 15, 2009 order only by filing a delayed application for leave to appeal under MCR 7.205(F).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 26 2010

Date

Sandra Schultz Mengel
Chief Clerk